

REDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, September 8, 2014

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: Transfer

TRANSFER FROM:

RE: Randy Cohen, Alyse Cohen
and Susan Lent-Cohen for
the use of
Taney Ave Hotel Co LLC
t/a Hampton Inn & Suites
1565 Opossumtown Pk.
Frederick, MD 21702
Class B, On Sale, Beer, Wine & Liquor
Hotel

TRANSFER TO:

RE: Howard Hoy, Robert Cole,
Jr and Anne E. Jeans for
the use of
Taney Avenue Hotel Co LLC
t/a Hampton Inn & Suites
1565 Opossumtown Pk.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor
Hotel

Ms. Vahle swore in the applicants (See Sign In Sheet). There are no pending items. Inspector Shrum stated they are compliant.

MOTION: Mr. Stup made a motion to approve the license.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

2. Decision Required: Violation

RE: Chendara Cheam and
Hong Suy Mouy
for the use of Chim, Inc.
t/a Eastside Liquors
507 East St. Unit #115
Frederick, MD 21701
Class A, Beer, Wine and Liquor
BWLTSU
License Number 11AL 1071
FCLB Case Number: 7477

The Board held a violation hearing for the charge of selling an alcoholic beverage to a minor. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensees pled Guilty. The clerk stated he misread the birth date on the license. Licensee stated that they now have a new rule and do not serve minors and they keep the ID books next to the register to refer to. Ms. Vahle stated the license was issued February 25, 1997; on October 29, 1997 there was an alcohol awareness violation a \$100 fine was paid for No Contest letter. April 1, 1999 Failed to File Renewal on Time with a \$500 fine paid for No Contest letter. January 28, 2002 Sales to Minors Violation, \$350 fine with 10 days suspension and suspended with probation for 6 months. April 2, 2002 Sales to Minors and also licensee Failed to Show, \$750 fine 10 days suspension from the previous case and for the second case another 15 days suspension but 10 were suspended for 6 months probation. September 20, 2004 Selling to Another Licensee and there were two licensees Failed to Show, \$100 fine was paid for

Selling to Another Licensee, one of the Failure to Show was dismissed and the other one was a \$400 fine.

MOTION: Mr. Stup made a motion for a fine of \$1,500 with a 30 days suspension, 15 days suspended with 6 months probation.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

Chairman Zimmerman stated because of pending shipments from vendors he recommended a 10 day lapse before beginning the suspension from September 18th and ending on October 2, 2014.

The licensees asked the Board to reconsider the suspension of their license for 15 days because of hardship to their business.

MOTION: Mr. Stup made a motion to reconsider his motion for suspension to be served 10 days and probation for 1 year.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

Ms. Vahle stated the suspension of the license would be from September 17th to September 26th, 2014.

3. Decision Required: Violation

RE: Mary K. Barkdoll
for the use of Cocktails for a
Cause t/a Beer, Bacon and
Music
797 E. Patrick St.
Frederick, Maryland 21701
Class C, On Sale Beer and Wine
License Number 11CW 4794
FCLB Case: 7911

The Board held a violation hearing for the charge of allowing the band to drink on duty and selling alcohol to an intoxicated person. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The applicant was represented by Dino Flores. The applicant pled Not Guilty to each charge.

#1 Findings of Fact: Did a band member have a drink of an alcoholic beverage while performing or on the stage on May 17th, 2014 at 2:10PM? Mr. Stup and Mrs. Hays agreed with the finding. Chairman Zimmerman did not agree.

Findings of Fact: Were there cups of beer sitting on the stage on May 17th, 2014 at 2:10PM? The Board agreed with the finding.

Conclusion of Law: Did the licensees violate Section 6.3 of Article 2B of your regulations? Mrs. Hays and Mr. Stup agreed with the finding. Chairman Zimmerman did not agree.

#2 Findings of Fact: Whether the licensee either directly or through an employee knowingly sold an alcoholic beverage to a person who was visibly under the influence of alcohol when the alcoholic beverage was furnished at approximately 1:30PM on May 18th, 2014? Mr. Stup and Chairman Zimmerman did not agree. Mrs. Hays agreed with the finding.

MOTION: Mr. Stup made a motion for a \$200 fine and suspend the fine.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was **Ayes – 3 Nay – 0**
(Motion Passed)

4. Decision Required: Violation

RE: Francisco Reluzco
for the use of D & F Auto
Service, LLC
t/a Rosehill Service
Center
1561 Opossumtown Pike
Frederick, MD 21702
Class A, Off Sale, Beer and Wine
License Number 11AW 1213 SU
FCLB Case Number: 7482

The Board held a violation hearing for the charge of selling an alcoholic beverage to a minor. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensee pled Guilty. The licensee stated he has installed an ID computer system in the register.

MOTION: Mr. Stup made a motion for an \$800 fine and suspend \$600, 15 day suspension suspended with 6 month probation.

SECOND: Chairman Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: Mrs. Hays made a motion for an \$800 fine with no suspension. This motion was not seconded.

VOTE: Mr. Stup – Aye
Mr. Zimmerman – Aye
Mrs. Hays – Nay

The vote was **Ayes – 2 Nay – 1**
(Motion Passed)

5. Decision Required: Violation

RE: Minaxi Patel
for the use of
BHAKTIH, LLC
t/a Village Mart Beer
and Wine
8301 River Run Rd.
Frederick, MD 21701
Class A, On Sale, Beer and Wine
License Number 11AW 1170
SUWT
FCLB Case Number: 7483

The Board held a violation hearing for the charge of selling an alcoholic beverage to a minor. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensee pled Guilty and stated she did make the sale but had some medical problems. The licensee stated she had purchased an ID computer system. Ms. Vahle stated the license was issued February 28, 2008 and no prior violations.

MOTION: Mr. Stup made a motion for a \$400 fine suspended, 15 days suspension suspended with 30 days probation.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was **Ayes – 3 Nay – 0**
(Motion Passed)

6. Decision Required: Conference

RE: Robin Wetzel and Christopher
Wilcom for the use of ABC of
Frederick Co. Inc.
t/a Wilcoms Inn

11234 Fingerboard Rd.
Monrovia, Maryland 21777
Class B, On Sale Beer, Wine and Liquor
License Number 11BL 1023
FCLB Case Number: 7915

This licensee requested to be put on the Agenda to appear before the Board but did not appear.

7. Decision Required: Approval of the Meeting Minutes for August 25, 2014.

Mr. Stup had a clarification on the Public Meeting Minutes on page 6, bottom of the page, sentence to read, "was not going to vote in favor of".

Chairman Zimmerman had a clarification on the Staff Meeting Minutes on paragraph 3, page 1 under Waverly Beer and Wine, sentence to read, "the licensee requested a Hearing be scheduled either before October 7th or after".

MOTION: Mr. Stup made a motion to approve the Minutes for August 25, 2014 as amended.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman – Aye

The vote was **Aye – 3 Nays – 0**
(Motion Passed)

8. **Wilcom's Inn** – Ms. Vahle asked what direction the Board needed her to go pertaining to this establishment. Mrs. Wetzel testified previously that she had paid the No Contest Fine and they have not paid this fine and it was due by September 1. Chairman Zimmerman asked her to call or email and find out why they did not appear. Mr. Stup stated they will be given until the end of the week to pay the fine.

The meeting was adjourned at 11:02AM.

Respectfully submitted,

Kathy Vahle, Administrator

FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees